

A. Alexander Gorman, Esq. (SBN 158719)
GORMAN LAW OFFICE
Pavilions Professional Center
Suite 200, 641 Fulton Avenue
Sacramento, California 95825
Telephone: (916) 448-1405
Alex@Gorman.Law

Attorneys for Plaintiff
BRIAN R. DECKER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN R. DECKER,

Plaintiff,

v.

COUNTY OF SACRAMENTO;

SACRAMENTO COUNTY SHERIFF'S

OFFICE; SCOTT R. JONES;

SACRAMENTO MUNICIPAL UTILITY

DISTRICT; ROBERT DUGGAN; CITY OF

RANCHO CORDOVA; CITY OF RANCHO

CORDOVA POLICE DEPARTMENT;

BRANDON M. LUKE; GEORGE

PARSONS; AND JEFF COUCH

Defendants.

Case 2:24-cv-00021-DJC-AC

STIPULATION AND ORDER

REMANDING THIS CASE

BACK TO THE SUPERIOR COURT

FOR THE COUNTY OF SACRAMENTO

Complaint filed: 11/04/2021

WHEREAS, Plaintiff BRIAN R. DECKER ("Plaintiff"), Defendants COUNTY OF SACRAMENTO (also sued as "SACRAMENTO COUNTY SHERIFF'S OFFICE"), SCOTT R. JONES, SACRAMENTO MUNICIPAL UTILITY DISTRICT, ROBERT DUGGAN, CITY OF RANCHO CORDOVA (also sued as "CITY OF RANCHO CORDOVA POLICE DEPARTMENT"), BRANDON M. LUKE, GEORGE PARSONS, STIPULATION AND ORDER TO REMAND

1 AND JEFF COUCH (“Defendants”) (Plaintiff and Defendants will be collectively referred
2 to as “Parties”) have been meeting and conferring regarding Plaintiff’s potential Motion to
3 Remand.

4 WHEREAS, on November 4, 2021, Plaintiff BRIAN R. DECKER filed a Complaint
5 in the Superior Court of California for the County of Sacramento in Decker v. County of
6 Sacramento, et al., Case No. 34-2021-00310830 containing seven state law causes of
7 action and a single federal cause of action for a violation of 42 USC §1983.

8 WHEREAS, on January 4, 2024, Defendant CITY OF RANCHO CORDOVA filed
9 a Notice of Removal to this Court from the Superior Court of California, County of
10 Sacramento based on the single federal cause of action for a violation of 42 USC §1983
11 which conferred original jurisdiction upon this court.

12 WHEREAS, Plaintiff BRIAN R. DECKER filed a Second Amended Complaint on
13 April 11, 2024 in which he did not reassert his federal claims that gave this honorable
14 Court original jurisdiction over this action. His Second Amended Complaint now contains
15 only state law claims subject to this Court’s supplemental jurisdiction.

16 WHEREAS, Plaintiff’s counsel has previously provided to all counsel for the
17 Defendants case authorities supportive of a Motion to Remand the case back to the
18 Superior Court of California, County of Sacramento. Once federal claims that formed the
19 basis of federal question jurisdiction are dismissed, the court has discretion to retain,
20 remand, or dismiss the supplemental state law claims. *Carnegie-Mellon Univ. v. Cohill*,
21 *484 U.S. 343, 357 (1988)*. If the federal questions are eliminated relatively soon after
22 removal, absent evidence of bad faith, remanding the case to state court rather than
23 dismissal is ordinarily preferred. *Id.*; see also *Albingia Versicherungs A.G. v. Schenker*
24 *Int’l, Inc.*, *344 F.3d 931, 939 (9th Cir. 2003)* (explaining federal courts should ordinarily
25 decline supplemental jurisdiction after dismissal of jurisdiction conferring claims, but
26 dismissal is not mandatory). The discretionary remand decision depends upon what “will
27 best accommodate the values of economy, convenience, fairness, and comity. . . .”
28 *Carnegie-Mellon Univ.*, *484 U.S. at 351 (citing United Mine Workers of Am. v. Gibbs, 383*

1 U.S. 715, 726-27 (1966)). When the balance of these factors indicates a case properly
2 belongs in state court, the federal court should decline jurisdiction. Id. Moreover, absent
3 evidence of bad faith, a plaintiff's decision to move to a state forum is permissible.
4 *Baddie v. Berkeley Farms, Inc.*, 64 F.3d 487, 490-91 (9th Cir. 1995). See also *Barnes v.*
5 *Cnty. of Placer*, 654 F. Supp. 2d 1066, 1073 (E.D. Cal. 2009) (stating that "primary
6 responsibility for developing and applying state law rests with the state courts"), aff'd on
7 other grounds, 386 F. App'x 633 (9th Cir. 2010).

8 WHEREAS, all parties have agreed to Stipulate to an Order of this Court
9 Remanding the case back to the Superior Court of California for the County of
10 Sacramento in Decker v. County of Sacramento, et al., Case No. 34-2021-00310830.

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties, by and through their respective undersigned counsel:

1. That there is good cause for this case to be Remanded back to the Superior Court of California for the County of Sacramento, in County of Sacramento in Decker v. County of Sacramento, et al., Case No. 34-2021-00310830 and the parties agree thereto.

IT IS SO STIPULATED.

Dated: 4/17/2024

GORMAN LAW OFFICE, LTD

By: /s/ A. Alexander Gorman

A. Alexander Gorman
Attorneys for Plaintiff
BRIAN R. DECKER

Dated: 4/17/2024

PORTER SCOTT
A PROFESSIONAL CORPORATION

By: /s/ *Alison J. Southard*

William E. Camy
Alison J. Southard
Attorneys for Defendants
CITY OF RANCHO CORDOVA
BRANDON M. LUKE
GEORGE PARSONS
and JEFF COUCH

1 Dated: 4/17/2024

RIVERA HEWITT PAUL, LLP

2
3 By: /s/ Jonathan B. Paul

4 Jonathan B. Paul
5 Attorney for Defendants
6 COUNTY OF SACRAMENTO
7 SACRAMENTO COUNTY
8 SHERIFF'S OFFICE
9 and SCOTT JONES

10 Dated: 4/17/2024

LEWIS BRISBOIS BISGAARD & SMITH,
LLP

11 By: /s/ Jeffrey Schultz

12 Jeffrey Schultz
13 John Poulos
14 Attorneys for Defendants
15 SACRAMENTO MUNICIPAL
16 UTILITY DISTRICT
17 and ROBERT DUGGAN
18
19
20
21
22
23
24
25
26
27
28

ORDER

Having reviewed the STIPULATION among the Parties and finding good cause therefore, it is hereby ordered that:

1. The above captioned matter is hereby Remanded back to the Superior Court of California for the County of Sacramento in Decker v. County of Sacramento, et al., Case No. 34-2021-00310830. The Clerk of Court shall serve a copy of this order on the Superior Court of California for the County of Sacramento.

IT IS SO ORDERED.

Dated: April 18, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE